

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GARY W. LIAL, et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No. 2:16-cv-00643-APG-NJK

ORDER GRANTING MOTION  
TO STAY

(Docket No. 16)

Pending before the Court is the motion to stay discovery pending resolution of their motion to dismiss, filed by Defendants Defendant Bank of America, N.A. and Federal National Mortgage Association. Docket No. 16; *see also* Docket No. 9 (motion to dismiss). The motion to stay was filed on June 6, 2016, but Plaintiffs have failed to file a response to date. *See* Docket; *see also* Local Rule 7-2(b). Accordingly, the motion may be granted as unopposed. *See* Local Rule 7-2(d). For that reason, as well as the reasons discussed below, the Court hereby **GRANTS** the motion to stay discovery.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially case-dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the motion and is convinced that the plaintiff will be unable to state a claim for relief. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

1 The Court finds these factors are present here. First, the motion to dismiss is potentially case-  
2 dispositive as it challenges all pending claims. Second, the motion to dismiss can be decided without  
3 additional discovery. Third, the Court has taken a preliminary peek at the merits of the motion to  
4 dismiss and believes it will be granted.<sup>1</sup>

5 Accordingly, the motion to stay discovery, Docket No. 16, is hereby **GRANTED**. In the event  
6 that the motion to dismiss is not granted in full, the parties shall file a joint proposed discovery plan  
7 within 14 days of the issuance of the order resolving the motion to dismiss.

8 IT IS SO ORDERED.

9 DATED: June 28, 2016.

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12 NANCY J. KOPPE  
13 United States Magistrate Judge  
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26 <sup>1</sup> Conducting this preliminary peek puts the undersigned in an awkward position because the  
27 assigned district judge who will decide the motion to dismiss may have a different view of its merits.  
28 *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is  
not intended to prejudice its outcome. *See id.*